

Message Text

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PAGE 01 OTTAWA 05176 162156Z
ACTION SCS-05

INFO OCT-01 EUR-12 ISO-00 SCA-01 /019 W
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R 162147Z JUN 77
FM AMEMBASSY OTTAWA
TO SECSTATE WASHDC 3845
INFO AMCONSUL CALGARY
AMCONSUL HALIFAX
AMCONSUL MONTREAL
AMCONSUL QUEBEC
AMCONSUL TORONTO
AMCONSUL VANCOUVER
AMCONSUL WINNIPEG

UNCLAS OTTAWA 05176

E. O. 11652: N/A
TAGS: CARR
SUBJECT: ARRESTEE AND PRISONER SERVICES

REF: STATE 137916

1. PROBLEM OF LACK OF NOTIFICATION TO CONSULAR OFFICES OF ALL ARRESTS OF U.S. CITIZENS IN CANADA HAS BEEN SUBJECT OF COMMUNICATIONS BETWEEN EMBASSY, CONSTITUENT POSTS, AND DEPARTMENT SINCE AT LEAST 1970. IT IS NO NEARER SOLUTION NOW THAN IT WAS SEVEN YEARS AGO.

2. BASIC OBSTACLES ARE: (A) CANADIAN CONCERN FOR INDIVIDUAL RIGHTS OF PRIVACY SIMILAR TO THAT PREVALENT IN THE UNITED STATES; (B) ABSENCE OF ADMINISTRATIVE PROCEDURES IN MANY JURISDICTIONS TO IDENTIFY FOREIGN CITIZENSHIP OF PRISONERS IN REPORTING TO PROVINCIAL OR FEDERAL AUTHORITIES, OR EVEN IN LOCAL RECORDS; (C) OFTEN VAST DISTANCES BETWEEN LOCALITIES WHERE ARRESTS TAKE PLACE AND PROVINCIAL HEADQUARTERS OR CITIES WHERE CONSULAR OFFICES LOCATED.

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3. IN ABSENCE OF BILATERAL CONSULAR TREATY WITH APPROPRIATE PROVISIONS, CANADIAN AUTHORITIES ADHERE STRICTLY TO VIENNA CONVENTION AND DO NOT PERCEIVE OBLIGATION TO NOTIFY CONSULAR OFFICE OF ARREST OF CITIZEN UNLESS PRISONER SO REQUESTS. INDIVIDUAL POSTS SOMETIMES WORK OUT ARRANGEMENTS FOR NOTIFICATION BY LOCAL JURISDICTIONS ON STRICTLY

VOLUNTARY BASIS. THESE INFORMAL ARRANGEMENTS TEND TO BREAK DOWN WITH TIME, AS PERSONNEL CHANGE OR OTHER CONSIDERATIONS INTERVENE. EVEN WHEN OPERATIONAL, THEY OFTEN DEPEND UPON FAR-FLUNG OFFICES CONSCIENTIOUSLY NOTING CITIZENSHIP OF ARRESTEES, AND REMEMBERING PROMPTLY TO INFORM HEADQUARTERS OR CONSULAR OFFICE.

4. CONGEN TORONTO RECENTLY WORKED OUT ARRANGEMENT WHEREBY ONTARIO PROVINCIAL AUTHORITIES ISSUED INSTRUCTION TO REPORT ALL U.S. CITIZEN ARRESTS TO CONSULAR OFFICIALS, BUT ORDER WAS RESCINDED APOLOGETICALLY WITHIN VERY SHORT TIME AS INCOMPATIBLE WITH OTHER LEGAL REQUIREMENTS. (OTHER POSTS MAY WISH TO REPORT ON LOCAL SITUATIONS AT PRESENT TIME)

5. EMBASSY HAS MADE NUMEROUS UNSUCCESSFUL ATTEMPTS TO OBTAIN COMPREHENSIVE DATA CONCERNING U.S. CITIZEN PRISONERS FROM CANADIAN FEDERAL AGENCIES. USING INFORMATIONAL NEEDS RELATED TO TRANSFER OF SANCTIONS TREATY AS BASIS, EMBASSY IS DIRECTING NOTE TO EXTERNAL AFFAIRS AGAIN REQUESTING ASSISTANCE IN OBTAINING AT LEAST STATISTICAL DATA ON ALL U.S. CITIZEN PRISONERS. WILL ADVISE DEPARTMENT OF RESPONSE. ENDERS

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